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Utah Falconry Proclamation 2002-2007

I. Purpose and Authority

R657-20-1

(1) The Secretary of the Interior of the United States, pursuant to 50 CFR 21, Migratory Bird Permits (October 2000), has set regulations governing possession and use of raptors for falconry.

(2) Under authority of Section 23-17-7 and in accordance with 50 CFR 21, 2000 ed., this proclamation provides the requirements and procedures for possessing and using raptors for falconry.

(3) *This proclamation is effective April 16, 2002 and will remain in effect until March 15, 2007 unless modified or rescinded by:*

- (a) the Utah Wildlife Board; or
- (b) the director of the Utah Division of Wildlife Resources pursuant to Section 23-14-8.

II. Possession of Raptors

R657-20-2

(1) Possession of any raptor, raptor egg, shell fragment, semen or any raptor part without a federal falconry permit, valid Falconry Certificate of Registration, license or Form 3-186A is prima facie evidence that the raptor, raptor egg, shell fragment, semen or raptor part was illegally taken and is illegally held in possession.

(2) The only species of raptor that may be possessed, transported, or used for falconry are:

- (a) raptors of the subfamily Accipitrinae, other than the Bald Eagle, (*Haliaeetus leucocephalus*);
- (b) raptors of the subfamily Falconinae; and
- (c) Great Horned Owl, (*Bubo virginianus*) and captive-bred Eurasian Eagle-owl, (*Bubo bubo*) of the family Strigidae.

III. Definitions

23-13-2, R657-20-3 & R657-6-2

(1) "Bird Banding Laboratory band" means a permanent, numbered, silver, aluminum band.

(2) "Certificate of Registration" means a document issued under the Wildlife Resources Code, or any rule or proclamation of the Wildlife Board granting authority to engage in activities not covered by a license, permit, or tag.

(3) "Division" means the Division of Wildlife Resources.

WILDLIFE BOARD MEMBERS

- Max G. Morgan—Chair
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(4) "Eyas" means a young raptor not yet capable of sustained flight such as a nestling or fledgling.

(5) "Falconry" means the sport of taking quarry by means of a trained raptor.

(6) "Form 3-186A" means the Migratory Bird Acquisition and Disposition Report form.

(7) "Hunting" means to take or pursue a reptile, amphibian, bird or mammal by any means.

(8) "Imping" means to graft feathers to repair damage or to increase flying capacity.

(9) "Marker or Band" means a numbered band issued by the Service which, when

affixed to a raptor's leg, identifies an individual raptor.

(10) "Nonresident" means a person who does not qualify as a resident.

(11) "Passage bird" means a first-year raptor capable of sustained flight.

(12) "Permit" means a document, including a stamp, which grants authority to engage in specified activities under the Wildlife Resources Code or a rule or proclamation of the Wildlife Board.

(13) "Possession" means actual or constructive possession.

DIVISION OFFICES

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For Recorded Information, call Toll Free:

1-877-592-5169

or Visit Our Web Site:

www.wildlife.utah.gov

U.S. FISH AND WILDLIFE SERVICE

U.S. Fish and Wildlife Service Migratory Bird Permit Office

P.O. Box 25486 DFC (60154)

Denver CO 80225-0486

Phone (303) 236-8171

- (14)(a) "Protected wildlife" means:
- (i) crustaceans, including brine shrimp and crayfish;
 - (ii) mollusks; and
 - (iii) vertebrate animals living in nature, except feral animals and those animals listed in Subsection(b).
- (b) "Protected wildlife" does not include coyote, field mouse, gopher, ground squirrel, jack rabbit, muskrat or raccoon.
- (15) "Quarry" means any live animal.
- (16) "Raptor" means a bird of the families Accipitridae, Falconidae, Tytonidae, or Strigidae.
- (17)(a) "Resident" means a person who:
- (i) has been domiciled in the state of Utah for six consecutive months immediately preceding the purchase of a license; and
 - (ii) does not claim residency for hunting, fishing or trapping in any other state or country.
- (b) A Utah resident retains Utah residency if that person leaves this state:
- (i) to serve in the armed forces of the United States or for religious or educational purposes; and
 - (ii) complies with Subsection(a)(ii).
- (c)(i) A member of the armed forces of the United States and dependents are residents for the purposes of this chapter as of the date the member reports for duty under assigned orders in the state if the member:
- (A) is not on temporary duty in this state; and
 - (B) complies with Subsection(a)(ii).
- (ii) A copy of the assignment orders must be presented to a wildlife Division office to verify the member's qualification as a resident.
- (d) A nonresident attending an institution of higher learning in this state as a full-time student may qualify as a resident for purposes of this proclamation if the student:
- (i) has been present in the state for 60 consecutive days immediately preceding the purchase of the license; and
 - (ii) complies with Subsection(a)(ii).
- (e) A Utah resident license is invalid if a resident license for hunting, fishing or trapping is purchased in any other state or country.
- (f) An absentee landowner paying property tax on land in Utah does not qualify as a resident.
- (18) "Service" means the U.S. Fish and Wildlife Service.
- (19) "State Forms" means annual reports and completed Raptor Capture permits.
- (20) "Take" means to:
- (a) hunt, pursue, harass, catch, capture, possess, angle, seine, trap or kill any protected wildlife; or
 - (b) attempt any action referred to in Subsection(a).
- (21) "Trial" means an organized falconry event where only nonprotected wildlife, European Starlings (*Sturnella neglecta*), House Sparrows (*Passer domesticus*), or Rock Doves/feral pigeons (*Columba livia*) may be taken.
- (22) "Upland game" means pheasant, quail, Chukar Partridge, Hungarian Partridge, Sage-grouse, Ruffed Grouse, Blue Grouse, Sharp-tailed Grouse, cottontail rabbit, snowshoe hare, White-tailed Ptarmigan, wild turkey, and the following migratory game birds: Mourning Dove, Band-tailed Pigeon, and Sandhill Crane.

IV. General Provisions

A. State Requirements

23-19-1, 23-19-38, 23-13-4

- (1) A person must obtain and possess a Falconry Certificate of Registration or license, a federal falconry permit, and the appropriate capture permits and licenses to

engage in the sport of falconry.

(2) A person may not possess or engage in hunting, trapping, fishing or seining protected wildlife or in the sale, trade or barter of protected wildlife or their parts without first having procured the necessary licenses, certificates of registration, permits and tags, and having at the same time the licenses, certificates of registration, permits and tags on his or her person.

(3) A person may not:

- (a) lend, transfer, sell, give or assign a certificate of registration, license, Raptor Capture Permit, federal band or form;
- (b) transfer the rights granted by certificate of registration, license, Raptor Capture Permit, federal band or form; or
- (c) use or attempt to use a certificate of registration, license, Raptor Capture Permit, federal band or form issued to another person.

(4) It is unlawful for any person to hold in captivity at any time any protected wildlife except as provided in the proclamations and rules of the Wildlife Board.

B. Federal Requirements

R657-20-4, 50 CFR 21.28,
50 CFR 13.22

(1) A federal falconry permit is required before any person may take, possess, transport, sell, purchase, barter or offer to sell, purchase or barter raptors for falconry purposes.

(2) Any person engaging in falconry must complete a federal application form in accordance with 50 CFR 21.28.

(3) Applications may be obtained from, and submitted to the

*U.S. Fish and Wildlife Service
Migratory Bird Permit Office,
P.O. Box 25486 DFC (60154),
Denver, CO 80225-0486.*

(4)(a) A federal falconry permit issued or renewed under 50 CFR 21.28 expires on the date designated on the face of the permit

unless amended or revoked, but the term of the permit shall not exceed three years from the date of issuance or renewal.

(b) Applicants for renewal of a permit must submit a written application at least 30 days prior to the expiration date of the permit.

C. Sales Final

23-19-38

(1) Sales of licenses, certificates of registration, or permits are final, and no refunds may be made by the Division, except as provided in Subsection(2).

(2) The Division may refund the amount of the license, certificate, or permit if:

- (a) the Division or the Wildlife Board discontinues the activity for which the license, certificate or permit was obtained;
- (b) the Division determines that it has erroneously collected a fee pursuant to Rule R657-50;
- (c)(i) a person is not able to participate in a permitted activity due to illness or injury;
- (ii) the person furnishes verification of illness or injury from a physician; and
- (iii) the permit is surrendered before the season for which the permit was issued begins; or
- (d) the person to whom the license, certificate or permit is issued dies prior to his being able to participate in the activity for which the license, certificate or permit was obtained.

D. Change of Address

R657-20-20

Any falconer who possesses a raptor and moves or changes the address of where the raptor is being held must notify the Division in writing of the change of address within five business days. An inspection of facilities may be required at the new location.

E. Exhibit of Certificate of Registration, License or Permit

23-20-25

(1) Any person while engaged in any activity regulated under the Wildlife Resources Code, shall be required upon demand of any conservation officer or any other peace officer to exhibit:

- (a) the required certificate of registration, license, permit or tag;
- (b) any device or apparatus in that person's possession used for any activity regulated under the Wildlife Resources Code; or
- (c) any wildlife in that person's possession.

F. Suspension of License or Permit privileges - Suspension of Certificate of Registration

23-19-9

The Division may revoke, suspend or deny a person's privilege of applying for, purchasing, and exercising the benefits conferred by a Falconry Certificate of Registration pursuant to 23-19-9.

G. Trespass

23-20-14

(1) As used in this section:

- (a) "Cultivated land" means land which is readily identifiable as:
 - (i) land whose soil is loosened or broken up for the raising of crops;
 - (ii) land used for the raising of crops; or
 - (iii) pasturage which is artificially irrigated.
- (b) "Permission" means written authorization from the owner or person in charge to enter upon private land that is either cultivated or properly posted, and must include:
 - (i) the signature of the owner or

person in charge;

(ii) the name of the person being given permission;

(iii) the appropriate dates; and

(iv) a general description of the property.

(c) "Properly posted" means that "No Trespassing" signs or a minimum of 100 square inches of bright yellow, bright orange, or fluorescent paint are displayed at all corners, fishing streams crossing property lines, roads, gates, and rights-of-way entering the land. If metal fence posts are used, the entire exterior side must be painted.

(2)(a) While taking wildlife or engaging in wildlife related activities, a person may not:

(i) without the permission of the owner or person in charge, enter upon privately owned land that is cultivated or properly posted;

(ii) refuse to immediately leave the private land if requested to do so by the owner or person in charge; or

(iii) obstruct any entrance or exit to private property.

(c) A person may not post:

(i) private property he does not own or legally control; or

(ii) land that is open to the public as provided by Section 23-21-4.

(3)(a) A person convicted of violating any provision of Subsection (2) may have his license, tag, certificate of registration, or permit, relating to the activity engaged in at the time of the violation, revoked by a hearing officer.

(4) Any person who violates any provision of Subsection (2) is guilty of a class B misdemeanor.

The Division of Wildlife Resources is funded by the sale of hunting and fishing licenses and through federal aid made possible through an excise tax on the sale of firearms and other hunting and fishing-related equipment.

V. Certificate of Registration Application

A. Resident Certificate of Registration Application Procedure

R657-20-5

- (1) A resident applying for or renewing a Falconry Certificate of Registration shall:
- (a) submit a completed falconry application to the Division; and
 - (b) include the certificate of registration fee.
- (2) At the time of renewal, the current Falconry Certificate of Registration number and a federal falconry permit number must be submitted on the falconry application form.

B. Nonresidents Establishing Residency

R657-20-18

- (1) A falconer may not claim residency in more than one state or possess a resident falconry license or Falconry Certificate of Registration from more than one state.
- (2) A nonresident falconer entering the state to establish residency may possess legally obtained raptors during the six-month domicile period while establishing residency.
- (3) A copy of the previous state's valid falconry license, a current federal falconry permit number, a valid health certificate and the band number of the raptor held in possession must be presented to the Division upon entering the state.
- (4) The falconer must have the proper facilities and equipment. A facilities inspection is required.
- (5) If the raptor is to be flown or exercised during the six-month domicile period a valid falconry license from the previous state and a current federal falconry permit are required.
- (6) If the raptor is to be used for falconry during the six-month domicile period a valid

falconry license from the previous state, a current federal falconry permit and the appropriate nonresident game license are required.

(7) Upon completion of the residency requirement, a new resident applying for a Falconry Certificate of Registration must submit to the Division:

- (a) a completed falconry application;
- (b) the certificate of registration fee;
- (c) a copy of a valid falconry license from the former state of residency indicating class designation; and
- (d) their valid federal falconry permit number.

C. Certificate of Registration Renewal and Annual Report Form

R657-20-24

(1) Resident falconers wishing to renew a valid Falconry Certificate of Registration must submit a completed Falconry Certificate of Registration renewal form to the Division upon or before the expiration date specified on the Falconry Certificate of Registration.

(2) Resident falconers holding a valid

License Suspension

The Utah Division of Wildlife Resources has the authority to suspend hunting and fishing privileges for wildlife violations if the Division deems that the violation was committed knowingly, intentionally or recklessly. Any person who is convicted of, pleads guilty to, no contest to, or enters a plea in abeyance to, a wildlife violation may be subject to administrative suspension. Notification of such action is generally served only after criminal proceedings have been concluded. Any Utah order of suspension may be recognized in other states participating in the Wildlife Violator Compact.

Falconry Certificate of Registration must submit a completed falconry annual report form to the Division by January 31 of each year.

(3) Residents who do not hold a valid Falconry Certificate of Registration or do not submit a certificate of registration renewal form to the Division by the date specified on the certificate of registration and maintain raptors in possession are in violation of unlawful captivity of protected wildlife under Section 23-13-4.

(4) Any raptor not listed on the falconry annual report or federal Form 3-186A may be seized.

(5) Failure to submit the appropriate records and reports may result in revocation, suspension or denial of a Falconry Certificate of Registration or upgrade.

VI. Class Designations

There are three classes of falconry certificates of registration. Each class has specific requirements. Class designation shall be indicated on the face of the Falconry Certificate of Registration.

A. Apprentice Class Falconer

R657-20-6 & 50 CFR 21.29(e)(1)

(1) An apprentice class falconer shall be:

- (a) 14 years of age or older; and
- (b) sponsored by a general or master class falconer for the first two years of apprenticeship.

(2) An Apprentice obtaining their first Falconry Certificate of Registration must answer correctly at least 80 percent of the

The Division of Wildlife Resources manages and maintains numerous Wildlife and Waterfowl Management Areas throughout the state. These areas are closed during certain times of the year to protect wildlife. Before visiting a WMA, please call the regional Wildlife Resources office in your area for information.

questions on a supervised examination provided and administered by the Division, relating to basic biology, care and handling of raptors, literature, laws, rules, regulations, and other appropriate subject matter.

(3) If necessary, the examination may be taken again after a 14 calendar-day waiting period.

(4) A person may not take the falconry exam earlier than two months before that person's 14th birthday.

(5) The sponsor shall provide advice for facilities and equipment construction, trapping the first season, training the raptor, and all other activities that will promote adequate care and good health for the raptor and safety for the apprentice. A sponsor may not have more than three apprentices at one time.

(6) In the event sponsorship is terminated, the holder of an apprentice Falconry Certificate of Registration must obtain a new sponsor within 30 calendar days of termination.

(7) The Division must be notified in writing concerning the change in sponsor. The sponsor's name, state, Falconry Certificate of Registration and federal falconry permit number must be included in the notification.

(8) An apprentice may not:

- (a) possess more than one raptor for falconry; and
- (b) obtain more than one raptor for replacement within any 12-month period from the date of the first capture.

(9) An apprentice may possess only an American Kestrel or a Red-tailed Hawk, which must be taken from the wild as a passage bird by the apprentice during the passage season.

(10) Re-examination and facilities inspection will be required of any applicant who has not held a Falconry Certificate of Registration or license for two consecutive years.

(11)(a) Requests for class upgrades must

be submitted to the Division in writing.

(b) Failure to comply with the rules and regulations of the Wildlife Board may result in the denial of an upgrade.

B. General Class Falconer

R657-20-7, 50 CFR 17 & 50 CFR

21.29(e)(2)

(1) A general class falconer shall:

(a) be 18 years of age or older;

(b) show proof of having a valid Falconry Certificate of Registration for at least 24 months; and

(c) have at least two years of sponsor-verified experience caring for, training, or hunting with raptors at the apprentice level or its equivalent.

(i) For purposes of this section, "two years of experience" means at least four months caring for, training, or hunting with raptors in each of two different 12-month periods.

(2) Evidence that the applicant has had a valid raptor license or permit in another state for at least 24 consecutive months may be substituted for the apprentice Falconry Certificate of Registration requirement.

(3)(a) Verification of the two-year experience requires a letter from the sponsor that details the applicant's progress in falconry and qualifications for upgrade; and

(b) the appropriate federal Form 3-186A and state forms indicating experience caring for raptors.

(4) A general class falconer may not:

(a) possess more than two raptors for falconry; and

(b) obtain more than two raptors taken from the wild for replacement birds during any 12-month period from the date of the first capture; or

(c) take, transport or possess a Golden Eagle (*Aquila chrysaetos*) or any species listed as threatened or endangered in 50 CFR 17.

(5)(a) Facilities inspection will be required of any applicant who has not held a Falconry Certificate of Registration or license for two consecutive years.

(b) Re-examination will be required of any applicant who has not held a Falconry Certificate of Registration or license for five consecutive years.

(6)(a) Requests for class upgrades must be submitted to the Division in writing.

(b) Failure to comply with the rules and regulations of the Wildlife Board may result in the denial of an upgrade.

C. Master Class Falconer

R657-20-8, 50 CFR 17,

50 CFR 21.29(e)(3) & 50 CFR 22.24

(1) A master class falconer shall:

(a) show proof of having a valid general class Falconry Certificate of Registration for at least 60 months; and

(b) have at least five years experience caring for, training, or hunting with raptors at the general class level or its equivalent.

(i) For purposes of this section, "five years of experience" means at least four months caring for, training, or hunting with raptors in each of five different 12-month periods.

(2) Verification of the five-year experience requires the appropriate federal Form 3-186A and state forms indicating experience caring for raptors.

(3) A master class falconer may not:

(a) possess more than three raptors for falconry;

(b) obtain more than two raptors taken from the wild for replacement birds during any 12-month period from the date of the first capture; or

(c) take from the wild:

(i) more than one raptor listed as threatened in 50 CFR 17, in any 12-month period, as part of the three bird limitation, and then only in accordance

with 50 CFR 17; or
(ii) any species listed as endangered in 50 CFR 17, but may transport or possess such species in accordance with 50 CFR 17.

(4)(a) A master class falconer may not take from the wild, transport or possess a Golden Eagle for falconry purposes unless authorized in writing under 50 CFR 22.24.

(b) A master class falconer may possess one Golden Eagle for falconry purposes pursuant to 50 CFR 22.24, Eagle Permits, and as provided in Subsections (i) through (ii).

(i) The registrant shall not obtain or possess more than one Golden Eagle during a 12-month period; and
(ii) the Golden Eagle held by the registrant shall be included in the three-bird limitation of the master class falconer in accordance with 50 CFR 17.

VII. Importation Requirements

R657-20-17 & R58-1-4

(1)(a) A person is not required to obtain an importation certificate of registration to possess a raptor brought into Utah from another state when the raptor is to be used for falconry purposes.

(b) A raptor used for any purpose other than falconry is governed by Rule R657-3, Collection, Importation and Possession of Zoological Animals.

(2) If any raptor is brought into the state on a permanent basis the band number must be reported to the Division within five business days of the arrival of the raptor into the state.

(3)(a) A raptor brought into the state for any purpose is governed by Rule R58-1-4.

(b) The Utah Department of Agriculture requires a health certificate from the state of origin regardless of the time

period the raptor will be in the state.

(c) An entry permit is required to bring the raptor into the state and may be obtained from the Utah Department of Agriculture, Animal Health Office (801) 538-7164.

VIII. Facilities & Equipment

R657-20-9, 76-9-301 &

50 CFR 21.29(g)

(1) Before a person may obtain a Falconry Certificate of Registration, the raptor housing facilities and equipment shall be inspected by a Division representative and must be certified as meeting the requirements of this section.

(2)(a) The primary consideration for raptor housing facilities, whether indoor mews or outdoor weathering area, is protection from the environment, predators and undue disturbance.

(b) A person may not possess a raptor without either an indoor facility or an outdoor facility as provided in Sections VIII.A. and VIII.B.

A. Indoor Facilities

R657-20-10, 50 CFR 21.29(g)(1)(i)

(1) An indoor facility or mews must be large enough to allow easy access for caring for the raptor housed in the facility.

(2) If more than one raptor is to be kept in the mews, each raptor must be tethered or separated by partitions and the area for each raptor must be large enough to allow the raptor to fully extend its wings.

(3) There must be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the raptor's body, and a secure door that can be easily closed.

(4) The floor of the mews must allow for easy cleaning and be well-drained.

(5) Adequate perches must be provided to

ensure the health, safety and protection of the raptor.

B. Outdoor Facilities

R657-20-11 & 50 CFR 21.29(g)(1)(ii)

(1) Outdoor facilities or weathering areas must be fenced and covered with netting or wire, or roofed to protect the raptor from disturbance and attack by predators.

(2) The enclosed area must be large enough to ensure the raptor cannot strike the fence when flying from the perch.

(3) Protection from excessive sun, wind and inclement weather must be provided for each raptor.

(4) Adequate perches must be provided to ensure the health, safety and protection of the raptor.

C. Facilities for Raptors in Transit

R657-20-19 & 50 CFR 21.29(g)(4)

To ensure the health, safety and protection of any raptor being transported or held, temporary facilities must be provided with an adequate perch and protected from extreme temperatures and excessive disturbance, for a period not to exceed 30 calendar days.

D. Equipment

R657-20-12 & 50 CFR 21.29(g)(2)

The following items shall be in the possession of the applicant before a federal falconry permit or Falconry Certificate of Registration may be obtained:

(1) Jesses - At least one pair of Alymeri jesses or similar type constructed of pliable, high quality leather or suitable synthetic material to be used when any raptor is flown free. Traditional one-piece jesses may be used on raptors when not being flown.

(2) Leashes and Swivels - At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design.

(3) Bath Container - At least one suitable container, two to six inches deep and wider

than the length of the raptor, for drinking and bathing for each raptor.

(4) Outdoor Perches - At least one weathering area perch of an acceptable design for each raptor.

(5) Weighing Device - A reliable scale or balance suitable for weighing the raptor held and graduated to increments of not more than one-half ounce (15 grams).

E. Inspection of Raptors, Facilities, Certificates of Registration & Documents

R657-20-25

As a condition of obtaining a Falconry Certificate of Registration, the falconer agrees to reasonable administrative inspections of raptors, facilities, equipment, appropriate permits, licenses, certificates of registration and forms.

IX. Acquisition & Disposition of Raptors

A. Federal Form 3-186A

R657-20-13 & 50 CFR 21.28(d)(4)

A falconer may not take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless the falconer completes a federal Form 3-186A and submits the blue copy to the Division and the remaining copies to the Service within five calendar days of the transaction.

B. Temporary Possession For Care

R657-20-14 & 50 CFR 21.29(j)(4)

(1)(a) A raptor possessed under authority of a Falconry Certificate of Registration may be temporarily held by a person other than the possessor of record for maintenance and care for a period not to exceed 30 calendar days.

(b) The raptor must be accompanied at

all times by a copy of the properly completed federal Form 3-186A designating the falconer as the possessor of record and by a signed, dated statement from the falconer authorizing the temporary possession.

(c) The temporary possessor must hold a valid Falconry Certificate of Registration in the appropriate class designation and have adequate facilities.

C. Permanent Transfer

R657-20-15, 50 CFR 21.28(d)(4), & 50 CFR 21.30(d)(5)

A falconer may permanently transfer a raptor to:

(1) another falconer of appropriate class designation with a valid Falconry Certificate of Registration and adequate facilities; or

(2) a raptor propagator or special purpose possession permittee who has the appropriate certificates, licenses, permits and Form 3-186A.

D. Purchase or Sell of Captive-Bred Raptors

R657-20-16

(1) Only general and master class falconers may purchase or sell captive-bred raptors.

(2) Before a captive-bred raptor is purchased or sold, bartered or gifted it shall be properly banded.

E. Release to the Wild

R657-20-21

Prior to releasing any raptor to the wild:

(1) the raptor band shall be removed by a Division representative; and

(2) a Bird Banding Laboratory band shall be attached to the raptor by the Division representative. Banding is by appointment only.

F. Escape or Death

R657-20-22

(1) The Division must be notified upon escape or death of a raptor.

(2) Within five business days of the escape or death of any raptor, the appropriate copies of the federal Form 3-186A must be provided to the Division (blue copy) and the Service (white copies).

(3) Within five business days, the band from a raptor that dies must be presented to a Division representative with the corresponding federal Form 3-186A.

G. Feathers

R657-20-23 & 50 CFR 21.29(j)(5)

Feathers that are molted or feathers from raptors held in captivity that die may be retained and exchanged for imping purposes by falconers with a valid Falconry Certificate of Registration.

X. Taking Raptors From The Wild

R657-20-26

(1) A person may not take any raptor from the wild without first obtaining a Raptor Capture Permit from the Division.

(2)(a) A raptor may be taken by traps or nets that are humane in their operation and use.

(b) Examples of acceptable devices are the bal-chatri, dho-gazza, harness-type, phai trap and bow net traps.

(c) Trapping devices must be constantly attended while in use.

(d) Protected wildlife may not be used to capture raptors.

A. Raptor Capture Permits

R657-20-27

(1) A person must possess a valid Falconry Certificate of Registration and federal falconry permit prior to obtaining a Raptor Capture Permit.

(2)(a) Prior to capturing or attempting to capture any raptor a falconer must obtain a Raptor Capture Permit from a Division office.

(b) The Raptor Capture Permit, federal falconry permit and Falconry Certificate of Registration must be in possession while pursuing, capturing or attempting to capture a raptor.

(3) An apprentice class Raptor Capture Permit is valid for the passage season capture of:

- (a) one American Kestrel; or
- (b) one passage Red-tailed Hawk.

(4) A general or master class Raptor Capture Permit is valid for one eyas or one passage raptor listed in Subsection (9) or (10), respectively in accordance with the restrictions and limitations of Rule R657-20 and this proclamation.

(5) Raptor Capture permits are non-transferable and non-assignable and can only be used by the person specified on the permit. Raptor Capture permits are valid only for the season specified on the permit.

(6)(a) Nonresidents wishing to purchase a Raptor Capture Permit and not participating in the sport of falconry in the state are not required to purchase a Utah Falconry Certificate of Registration or license.

(b) However, nonresidents must show proof of a valid federal falconry permit and falconry license issued by their state of residency.

(7) Falconers shall not retain and transport more than one captured raptor per capture permit.

(8) Any person who captures a raptor must have it banded in accordance with Section F., Banding Raptors.

(9) Capture of eyas raptors is allowed only for the following species:

- (a) Northern Harrier (*Circus cyaneus*);
- (b) Sharp-shinned Hawk (*Accipiter striatus*);
- (c) Cooper's Hawk (*Accipiter cooperi*);

(d) Northern Goshawk (*Accipiter gentilis*);

(e) Swainson's Hawk (*Buteo swainsoni*);

(f) Red-tailed Hawk (*Buteo jamaicensis*);

(g) Ferruginous Hawk (*Buteo regalis*);

(h) Golden Eagle (*Aquila chrysaetos*);

(i) American Kestrel (*Falco sparverius*);

(j) Peregrine Falcon (*Falco peregrinus*);

(k) Prairie Falcon (*Falco mexicanus*);
and

(l) Great Horned Owl (*Bubo virginianus*);

(10) Capture of passage raptors is allowed only for the following species:

(a) Northern Harrier (*Circus cyaneus*);

(b) Sharp-shinned Hawk (*Accipiter striatus*);

(c) Cooper's Hawk (*Accipiter cooperi*);

(d) Northern Goshawk (*Accipiter gentilis*);

(e) Harris's Hawk (*Parabuteo unicinctus*);

(f) Swainson's Hawk (*Buteo swainsoni*);

(g) Red-tailed Hawk (*Buteo jamaicensis*);

(h) Ferruginous Hawk (*Buteo regalis*);

(i) Rough-legged Hawk (*Buteo lagopus*);

(j) Golden Eagle (*Aquila chrysaetos*);

(k) American Kestrel (*Falco sparverius*);

(l) Merlin (*Falco columbarius*);

(m) Gyrfalcon (*Falco rusticolus*);

(n) Prairie Falcon (*Falco mexicanus*); and

(o) Great Horned Owl (*Bubo virginianus*).



B. Legal Birds

R657-20-28 & 50 CFR 21.29(i)

(1) Eyasses may be taken from the wild only by general and master class falconers as provided in Subsections (a) through (d).

(a) Eyasses, except Great Horned Owls and Peregrine Falcons, may be taken from May 13, unless May 13 is a Sunday, in which case the season shall begin the following day through July 15 and during the third weekend in July.

(b) Great Horned Owl eyasses may be taken during the first two Saturdays of April and from May 13, unless May 13 is a Sunday, in which case the season shall begin the following day through July 15 and during the third weekend in July.

(c) Peregrine Falcon eyasses may be taken in accordance with Section X.C.(4).

(d) No more than two eyasses may be taken by the same falconer.

(2) Passage raptors may be taken from the wild only from:

(a) September 1 through October 31 on weekends and legal holidays, unless September 1 is a Sunday, in which case the season shall begin the following weekend or legal holiday; and

(b) November 1, unless November 1 is a Sunday, in which case the season shall begin the following day through January 31.

(3) Only American Kestrels and Great Horned Owls may be taken when over one year of age.

(4) An eyas may not be taken from a nest containing only a single eyas.

(5) One or more eyasses must be left in a nest from which any eyas has been removed.

(6) The date of capture, sex of raptor, and the location of the capture must be recorded precisely, to within 100 meters, on the Raptor Capture Permit. Precise nest locations will be held for use by the Division and not made available to the public.

(7)(a) The Division falconry coordinator shall determine on an annual basis the number of capture permits issued for the taking of eyas raptors listed on Utah's current sensitive species list.

(b) Notice of any limitations on the number of eyas capture permits for sensitive raptors shall be made by February 7 of each year.

(c) Application procedures for taking sensitive raptor species limited by the falconry coordinator are provided in Section X.E.

Equal Opportunity Employer

The Utah Division of Wildlife Resources receives Federal financial assistance from the U.S. Fish and Wildlife Service. Under Title VI of the Civil rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, the U.S. Department of the Interior and its bureaus prohibit discrimination on the basis of race, color, national origin, age, disability or sex (in educational programs). If you believe that you have been discriminated against in any program, activity or facility, or if you desire further information please write to: The U.S. Fish and Wildlife Service, Office for Diversity and Civil Rights Programs-External Programs, 4040 North Fairfax Drive, Suite 130, Arlington, VA 22203.

C. Legal Birds by Class Designation - Resident

R657-20-29 & 50 CFR 21.29

(1)(a) An apprentice class falconer may possess only one American Kestrel or one

Red-tailed Hawk in accordance with Section VI.A.(9).

(b) Only first-year Red-tailed Hawks may be taken, while first-year or older American Kestrels may be taken.

(c) Eyasses may not be taken.

(2) A general class falconer may not possess more than two raptors and may not obtain more than two raptors taken from the wild for replacement birds during a 12-month period.

(3) A master class falconer may not possess more than three raptors and may not obtain more than two raptors taken from the wild for replacement birds during any 12-month period, except Golden Eagles.(See Section VI.C.(4)).

(4) A resident general or master class falconer may apply each year to take one eyas Peregrine Falcon, from the wild on the first two Saturdays of May and from May 13, unless May 13 is a Sunday, in which case the season will begin the following day through June 30.

(5)(a) Any resident general or master class falconer may apply each year to take one passage Peregrine Falcon from the wild from:

- (i) September 1 through October 31 on weekends and legal holidays, unless September 1 is a Sunday, in which case the season shall begin the following weekend or legal holiday; and
- (ii) November 1, unless the opening day is a Sunday, in which case the season shall begin the following day through November 30.

(b) Any captured Peregrine Falcon banded with a Bird Banding Laboratory band (numbered aluminum) must be released immediately.

(c) The band number, date of trapping, and precise location, within 100 meters, of the banded falcon must be reported to the falconry coordinator as soon as

possible.

(d) Passage take of Peregrine Falcons will not be allowed unless approved by the Service.

(e) Application procedures for taking eyas or passage Peregrine Falcons are provided in Section X.E.

(6)(a) The number of resident permits issued annually for the taking of eyas Peregrine Falcons may not exceed 10; and

(b) take is limited to Beaver, Iron, Washington, Piute, Wayne, Garfield, Kane, and San Juan counties and the area south of Interstate 70 in Grand, Emery and Sevier counties.

(c) In addition to following the requirements as provided in Section X.B.(4) through X.B.(6), a falconer taking or attempting to take an eyas Peregrine Falcon must abide by the following:

- (i) an eyas may not be removed from its nests prior to 10 days of age;
- (ii) nests may not be entered when young are 28 days or more of age;
- (iii) recently fledged young may be trapped within 100 meters of the nest;
- (iv) three plucked breast feathers from any captured eyas must be presented to the Division within five business days of capture.

(7) The number of resident and nonresident permits issued annually for the take of passage Peregrine Falcons may not exceed that number set by the Service.

D. Legal Birds By Class Designation - Nonresident R657-20-30

(1)(a) A nonresident general or master class falconer may apply each year to take one eyas from the wild pursuant to Section X. B., Legal Birds.

(b) Any nonresident general or master class falconer may apply each year to take one passage bird from the wild pursuant to Section X. B., Legal Birds.

(c) Application procedures for taking an eyas are provided in Section X.E.
 (2) The number of nonresident permits issued annually may not exceed the following:

- (a) Sharp-shinned Hawk
(Accipiter striatus)10;
- (b) Cooper's Hawk
(Accipiter cooper)20;
- (c) Northern Goshawk
(Accipiter gentilis)5;
- (d) Red-tailed Hawk
(Buteo jamaicensis)20;
- (e) American Kestrel
(Falco sparverius)20;
- (f) Merlin
(Falco columbarius)10,
 passage take only;
- (g) Gyrfalcon
(Falco rusticolus)5,
 passage take only;
- (h) Prairie Falcon
(Falco mexicanus)20;
 and
- (i) Great Horned Owl
(Bubo virginianus)20;
- (j) Peregrine Falcon
(Falco peregrinus)1,
 eyas only, in accordance with restrictions set forth in Sections X.C.(4), X.C.(8)(b), and X.C.(8)(c).

(5) Nonresidents may not take any other species.

E. Application Procedures and Drawings for Capture of Peregrine Falcons, Sensitive Raptors, and Nonresident Legal Birds

R657-20-40

(1) Applications for Raptor Capture Permits must be made for:

- (a) Peregrine Falcons;
- (b) sensitive raptor species limited by the falconry coordinator pursuant to Section X.B.(7), and;

(c) nonresident legal birds.

(2) Application forms are provided by the Division.

(3) An applicant must submit a complete and accurate application with:

- (a) a copy of their valid Falconry Certificate of Registration or valid license from their state of residency, indicating the falconry class designation;
- (b) a copy of their valid federal permit, indicating the falconry class designation; and
- (c) the application handling fee.

(4)(a) Applications for taking an eyas raptor must be received through the mail by 5 p.m. on the last Friday of February.

(b) Applications for taking a passage raptor must be received through the mail by 5 p.m. on the last Friday of June.

(5)(a) If necessary, a drawing will be held for those species that have more applicants than available permits.

(b) Remaining permits will be available to falconers of the appropriate class and residency on a first-come first-served basis after the drawing.

F. Banding Raptors

R657-20-31 & 50 CFR 21.29(h)

(1)(a) A falconer who has captured a raptor from the wild must notify the Division by telephone within two business days to receive a federal falconry band.

(b) Upon notification, the Division shall issue a federal falconry band number to the falconer and mail the federal falconry band to the falconer.

(2) Upon receiving the federal falconry band, the falconer must attach the band to the raptor's leg.

(3) Within five business days of notifying the Division of the capture, the falconer must submit:

- (a) a completed Raptor Capture Permit,

with the precise location of capture within 100 meters; and
(b) the blue copy of federal Form 3-186A.

(4) A falconer may remove the rear tab on a band and may smooth any imperfect surface, provided the integrity of the band and numbering are not affected.

(5)(a) A person may not remove, transfer, alter, counterfeit or deface a raptor band, except a band that is causing damage to a raptor may be removed only if the band is affecting the health or safety of the raptor.

(b) The raptor must be presented to a Division representative and a replacement band placed on the raptor's other leg. Banding is by appointment only.

(c) The detached band must be surrendered to the Division at the time of re-banding.

(6) The Division must be notified of any raptor acquired or brought into the state on a permanent basis without a band. The raptor must be presented to a Division representative for banding.

G. Recovery and Capture of Banded Raptors

R657-20-32

(1) An escaped raptor banded with a federal falconry band may be recovered at any time.

(2) Notification of recovery must be made to the Division followed by a written notice within five business days.

(3) The Division requires notification of the capture date and precise location, within 100 meters, of any raptor marked with a Bird Banding Laboratory band.

XI. Organized Events

R58-1-4

Any raptor brought into the state must be accompanied by a valid health certificate

from the state of origin.

A. Meets or Trials

R657-20-33 & 23-19-34.7

(1) A nonresident entering Utah to participate in the sport of falconry at an organized meet must first obtain a nonresident falconry meet license.

(2) A falconry meet license may be obtained by completing an application and submitting the application with the appropriate fees to the Division.

(3) The falconry meet license is valid only for nonresidents and only for five consecutive days as designated on the license.

(4) The holder of a nonresident meet license may engage in the sport of falconry on protected wildlife during the specified five-day period in accordance with the applicable proclamations of the Wildlife Board. See Section XII.B., Seasons and Bag and Possession Limits.

(5) A nonresident participating in an organized meet for more than five consecutive days must obtain appropriate licenses, permits, tags and stamps as provided in the proclamations of the Wildlife Board if protected wildlife is pursued.

(6) A falconry meet license is not required for participation in a falconry trial.

(7)(a) An organizer of a falconry meet must obtain prior approval from the Wildlife Board to conduct the falconry meet.

(b) An organizer of a falconry trial must obtain landowner permission and prior approval from the Division to conduct the falconry trial.

(c) A falconry meet or trial may not be held on state waterfowl and wildlife management areas from April 1 through August 15, except in those areas approved by the Division.

B. Use of Propagated Game Birds for Meets and Trials

R657-20-34

A person may hold a meet or trial or may train a raptor using legally propagated and acquired game birds under the following provisions:

- (1) The promoter of a meet or trial or a person training a raptor must have an invoice in possession showing lawful possession of the game birds.
- (2) Each game bird must be marked before release with a band purchased from the Division. A band must remain attached to each game bird until it is consumed. A person may not use the same band on more than one game bird.
- (3) Once a released game bird escapes the raptor, it is considered wild and may not again be pursued, except during the open season for that species as specified in the applicable proclamations of the Wildlife Board.
- (4) A person may not possess a live game bird for more than 60 calendar days without first obtaining an Aviculture Certificate of Registration.

XII. Use of Raptors to Hunt

A. Certificates of Registration, Permits and Stamps

R657-20-35

- (1) A person must possess a valid federal falconry permit and a valid Falconry Certificate of Registration or license from that person's state of residency while engaging in falconry.
- (2) The Falconry Certificate of Registration or license allows the person to use a raptor to take coyote, field mouse, gopher, ground squirrel, jackrabbit, muskrat, raccoon,

European Starling, House Sparrow and rock dove/feral pigeon.

- (3) A falconer releasing a raptor on protected wildlife, not held in private ownership, must obtain the appropriate licenses, permits, tags, certificates of registration and stamps as provided in the applicable rules and proclamations of the Wildlife Board.
- (4) A federal waterfowl stamp is required of a person 16 years of age or older to hunt migratory waterfowl.

B. Seasons and Bag and Possession Limits

R657-20-36

- (1) The hunting of:
 - (a) upland game shall be done in accordance with Rule R657-6 and the proclamation of the Wildlife Board for taking upland game species.
 - (b) waterfowl, Wilson's Snipe, and coot shall be done in accordance with Rule R657-9 the proclamation of the Wildlife Board for taking those species.
 - (c) Mourning Dove and Band-tailed Pigeon shall be done in accordance with the rules and proclamations of the Wildlife Board for those species.
- (2) Bag and possession limits do not apply to coyote, field mouse, gopher, ground squirrel, jackrabbit, muskrat, raccoon, European Starling, House Sparrow, and rock dove/feral pigeon.
- (3) Nothing in this proclamation or Rule R657-20 shall be construed to allow the intentional taking of protected wildlife in violation of federal or state laws, rules, regulations, or proclamations.

C. Training

R657-20-37

Raptor training is not allowed on state waterfowl and wildlife management areas from April 1 through August 15, unless otherwise authorized.

D. Firearms

R657-20-38

A person may not possess a firearm while pursuing any quarry with a raptor, unless the person is licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code and is not utilizing the concealed weapon to hunt or take wildlife.

XIII. Certificates of Registration, License & Permit Fees

A. Falconry Certificate of Registration Fees

Resident

One year	\$15
Two year	\$30
Three year	\$45

B. Five-Day Meet License

Nonresident (5-day meet)

All three classes	\$15
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C. Raptor Capture Permit Fees

Resident

Apprentice	\$30
General or master	\$50

Nonresident

General or master	\$115
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All Fees Are Subject to Change.

XIV. Other Uses of Raptor

R657-20-39

(1)(a) A general or master class falconer who possesses a raptor for falconry purposes is not required to obtain an education certificate of registration to use the raptor for educational purposes provided money or consideration is not involved.

(2)(a) An apprentice falconer who possesses a raptor for falconry purposes is required to obtain an education certificate of registration to use the raptor for educational purposes.

(b) The Division will provide the education certificate of registration at no cost provided money or consideration is not involved.

(3) A person who possesses a raptor for any purpose other than falconry, including raptor propagation, educational uses and rehabilitation, shall obtain the appropriate authorization from the Division as provided in Rule R657-3 and the appropriate authorization from the Service.

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NOTICE!

During the 2000 Legislative Session, the Utah Legislature passed a law effective May 1, 2000, which prohibits certain persons from possessing firearms and dangerous weapons as defined in Utah Code Sec. 76-10-501. This includes rifles, shotguns, handguns, muzzleloaders, archery equipment, crossbows and spearguns. The restrictions imposed on possessing firearms and dangerous weapons are found in Utah Code Sec. 76-10-503 and apply to any person who:

1. has been convicted of or is under indictment for any felony offense;
2. is on probation or parole for any felony offense;
3. is on parole from a secure facility;
4. within the last seven years has been adjudicated delinquent in a juvenile proceeding for an offense which if committed by an adult would have been a felony;
5. is an unlawful user of a controlled substance as defined in Utah Code Sec. 58-37-2;
6. is in possession of a dangerous weapon and is knowingly and intentionally in unlawful possession of a Schedule I controlled substance as defined in Utah Code Sec. 58-37-2;

7. has been found not guilty by reason of insanity for a felony offense;
8. has been found mentally incompetent to stand trial for a felony offense;
9. has been adjudicated as mentally defective as provided in the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been committed to a mental institution;
10. is an alien who is illegally or unlawfully in the United States;
11. has been dishonorably discharged from the armed forces; or
12. has renounced his citizenship after having been a citizen of the United States.

THE PURCHASE OR POSSESSION OF ANY LICENSE, PERMIT, TAG, OR CERTIFICATE OF REGISTRATION ISSUED BY THE UTAH DIVISION OF WILDLIFE RESOURCES DOES NOT AUTHORIZE THE HOLDER TO POSSESS OR USE A FIREARM OR DANGEROUS WEAPON IN VIOLATION OF UTAH CODE SEC. 76-10-503. HUNTING, FISHING, TRAPPING, OR TARGET SHOOTING ACTIVITIES ARE NO LONGER EXEMPT FROM APPLICATION OF THIS LAW.